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Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
New York, 14-18 July 2008

Discussion paper on international cooperation, assistance and national capacity-building resource implications of States' commitments under the Programme of Action and International Tracing Instrument

I. Overview

1. This paper has been prepared with a view to facilitating discussion at the Third Biennial Meeting of States to Consider the Implementation of the Programme of Action.[1] Paragraph 8 of General Assembly resolution 62/47 calls upon States to take full advantage of the Third Biennial Meeting of States to highlight the implementation challenges and opportunities associated with the Programme of Action issues they decide to focus on. Initial open-ended consultations, conducted in New York and Geneva by the Chair-designate of the Third Biennial Meeting of States, Dalius Čekuolis, have identified the issues of illicit brokering and stockpile management and surplus destruction/disposal for focused discussion at the Third Biennial Meeting of States. Ambassador Čekuolis has indicated, moreover, that the theme of international assistance and cooperation will serve as a fundamental reference point for all discussions. In addition, the Chair-designate has noted that, pursuant to recent General Assembly resolutions, the New York meeting will consider implementation of the international tracing instrument (see A/60/88 and Corr.2).

[1] See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

II. Rationale

2. At global and regional meetings, States have expressed the importance of international cooperation, assistance and national capacity-building for the effective implementation of the Programme of Action.

3. Furthermore, the Programme of Action strongly emphasizes on the importance of international cooperation and assistance to its implementation. Specifically:

(a) The preamble stresses "the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts at the local, national, regional and global levels to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects" (sect. I.14);

(b) An entire section of the Programme of Action is devoted to implementation, international cooperation and assistance (sect. III.1-18);

(c) The follow-up section encourages "all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action and to provide assistance to States in their implementation of the Programme of Action" (sect. IV.2.b).

4. The Third Biennial Meeting of States is an opportunity to strengthen the aspect of international cooperation, assistance and national capacity-building by sharing national experiences, ideas, initiatives and mechanisms, facilitating the matching of needs with resources and presenting the challenges and opportunities associated with the implementation of the Programme of Action.

III. Resource implications

5. This paper considers the resource implications of and implementation of the Programme of Action and the international tracing instrument. In relation to the Programme of Action, it focuses on the issues of illicit brokering and stockpile management and surplus destruction/disposal with a view to facilitating an in-depth discussion of implementation challenges and opportunities in these specific areas. It also considers the resource implications of international tracing instrument commitments relating to marking, record-keeping and cooperation in tracing.

6. The paper uses the term "resource implications" to refer to resources and activities required to fulfil Programme of Action commitments. These may include the recruitment, training and payment of necessary personnel, or the establishment and maintenance of systems for the application of relevant laws and regulations. A clear understanding of resource implications facilitates the identification of assistance and capacity-building needs and also underpins planning for enhanced Programme of Action implementation (legislative reviews, national action plans, baseline assessments, etc.).

7. Discussions of international cooperation and assistance often focus on the provision of assistance to countries lacking capacity for implementation. Much less attention is paid to cooperation. This paper also examines aspects of international cooperation that help build national capacity for effective implementation.

8. Depending on the State's circumstances and the issue area, resource and capacity-building needs can include:

- Legislation
- Systems and procedures
- Equipment, infrastructure and technology, including transfer
- Training for customs authorities, police, intelligence and arms control officials
- Training of authorities in investigative techniques
- Training in chain of custody
- Financing
- Needs assessment
- National coordination (exchange of information and coordination between Government departments).

9. Depending on the State's circumstances and the issue area, cooperation aspects can include:

(a) Multilateral and bilateral information exchange, including:

(i) Establishment of points of contact;

(ii) Exchange of information on good and best practices, national experiences;

(iii) Exchange of information on seized small arms and light weapons according to national laws;

(b) Cooperation and exchange of information among countries to identify routes for the illicit trafficking of small arms and light weapons, including ammunition;

(c) Establishment of security mechanisms for border controls to avoid diversion of arms;

(d) Cooperation in criminal investigations.

10. Discussions at the Third Biennial Meeting of States on international cooperation and assistance could serve, at a minimum, to help States:

(a) Better to understand the resource implications of the commitments they have undertaken in the Programme of Action (issues for focused discussion at the Third Biennial Meeting of States) and the international tracing instrument;

(b) To identify their specific assistance/capacity-building needs in these areas;

(c) Better to understand the resources and mechanisms that are available to them in addressing such needs.

IV. International cooperation and assistance

11. In section III of the Programme of Action, States have underlined the crucial importance of international cooperation and assistance to the effective implementation of this instrument. States have made a series of commitments of a general nature to support the national implementation of the measures outlined in section II of the Programme of Action (e.g. paras. III.1-3). They have also undertaken several more specific commitments relating to the discussion topics of the Third Biennial Meeting of States.

A. Brokering

12. Specific commitments include:

- Enhance mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in small arms and light weapons (Programme of Action, para. III.13)
- International cooperation on sharing information (national points of contact).

13. Resource implications associated with Programme of Action commitments and recommendations of the Group of Governmental Experts on brokering relate, inter alia, to:

- Improvements to existing legislation or development of new legislation
- Establishment and maintenance of broker registers
- Establishment of systems and procedures for registration and licensing of brokers
- Procurement of information technology and other equipment for registration, licensing and record-keeping (brokers and brokering activities)
- Procurement of equipment and technology to assist with the detection of forged end-user certificates and document verification
- Recruitment and training of required personnel (document verification, investigation of illicit brokering activities, etc.)
- Improving capacity to monitor transportation routes, land and water borders, airports and flight paths
- Improving capacity to enforce penalties for illicit brokering
- Inter-agency and interdepartmental cooperation and information exchange to monitor brokering activities
- Strengthening partnerships and multilateral cooperation, including mutual legal assistance
- Multilateral exchange of information on good and best practices.

B. Stockpile management and security

14. Specific commitments include:

- Seriously consider assisting interested States, upon request, to build capacities in various areas, including stockpile management and security (Programme of Action, para. III.6)
- Support regional and international programmes for specialist training on small arms stockpile management and security (Programme of Action, para. III.8).

15. Resource implications associated with commitments and the establishment of standards and procedures relate, inter alia, to:

- Relocation of existing stockpiles, where necessary
- Measures and infrastructure designed to improve the physical security of stockpiles, including control of access to stocks
- Procurement of information technology and other equipment required for inventory management
- Staff recruitment and training
- Building capacity to detect and punish breaches of established standards and procedures
- Inter-agency and interdepartmental cooperation and information exchange to determine appropriate locations for stockpiles and share good and best practices on stockpile management
- Multilateral exchange of information on good and best practices.

C. Surplus destruction and disposal

16. Specific commitments include:

- Seriously consider assisting interested States, upon request, to build capacities in various areas, including small arms and light weapons destruction (Programme of Action, para. III.6)
- Provide assistance in the destruction or other responsible disposal of surplus stocks (Programme of Action, para. III.14).

17. Resource implications associated with commitments and the determination and destruction of surplus small arms and light weapons stocks relate, inter alia, to:

- Assessment of state stockpile requirements through inter-agency cooperation and information exchange
- Procurement and operation of needed destruction equipment
- Systems and procedures for the secure transport and safeguarding of stocks prior to their destruction
- Staff recruitment and training
- Minimizing the environmental impacts of destruction programmes (in particular, removal and clean-up)

- Measures to record destroyed items
- Financing of destruction (also where subcontracted to private companies)
- Multilateral exchange of information on good and best practices.

D. International tracing instrument

18. The international tracing instrument underlines the importance of international cooperation and assistance to its effective implementation, highlighting, in particular, technical, financial and other assistance, both bilateral and multilateral, in building national capacity in the areas of marking, record-keeping and tracing (para. 27) and encouraging initiatives within the framework of the Programme of Action that mobilize the resources and expertise of, and where appropriate cooperation with, relevant regional and international organizations to promote implementation of the international tracing instrument (para. 29). More detailed and specific information of international cooperation and assistance for the effective implementation of this instrument will be covered in the international tracing instrument discussion paper (A/CONF.192/BMS/2008/WP.4).

V. Implementation mechanisms

19. A number of mechanisms already exist or are emerging to facilitate international assistance and cooperation at the subregional, regional and global levels. At the global level, the Group of Interested States meets regularly to discuss specific proposals on disarmament-related projects, in particular for small arms and light weapons. States can use this forum to express their assistance and cooperation needs. The Programme of Action implementation support system,[2] now being developed from the Coordinating Action on Small Arms[3] database, aims at establishing a comprehensive information management system encompassing all aspects of Programme of Action implementation, including cooperation and assistance. This system will highlight a matching need-to-resources mechanism, currently under preparation by the United Nations Institute for Disarmament Research, and an online small arms advisory/practice network for the exchange of practical experience and advice.

20. States can also use national reporting on Programme of Action implementation to identify the types of assistance they require or would like to support.[4] The strong links that exist between national reporting, Programme of Action implementation and international cooperation and assistance are reflected in General Assembly resolution 62/47.

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[2] A demonstration version of the system can be found at www.un-casa.org/iss/default.aspx.

[3] This inter-agency mechanism coordinates small arms and light weapons policy for 17 United Nations entities: http://www.un-casa.org.

[4] National reports on Programme of Action implementation are available at: http://disarmament2.un.org/cab/salw.html.

VI. Possible next steps

21. The Third Biennial Meeting of States offers States an important opportunity to consolidate and accelerate the effective implementation of the Programme of Action. To this end States are encouraged:

(a) To exchange information and experience on their implementation of the Programme of Action, including at subregional and regional levels, highlighting wherever possible implementation challenges and opportunities;

(b) To accelerate their efforts to identify the assistance, cooperation and capacity-building needs they may have for Programme of Action implementation;

(c) For purposes of enhancing Programme of Action implementation, to use, sustain and develop, as appropriate, existing and emerging resources and mechanisms (e.g. the Coordinating Action on Small Arms database).

International cooperation and assistance under the Programme of Action

During the first five years of the Programme of Action (January 2001-December 2005), States allocated approximately $660 million in international assistance to support its implementation. Almost three quarters of this assistance was directed at programmes related to the disarmament, demobilization and reintegration of ex-combatants. Surplus destruction received the second largest amount of financial assistance, about 8 per cent of the total. Financial assistance for destruction programmes, including the destruction of surplus weapons and ammunition, mainly targeted states in South Eastern Europe. Small arms and light weapons conferences and training, research and disarmament, demobilization and reintegration received the most support.

Stockpile management and security ranked fifth in terms of frequency of support, receiving just under 2 per cent of global financial assistance. This support mainly involved assessments of physical security and management practices in various regions, along with training seminars. Assistance programmes in the Pacific focused on the reinforcement of physical storage and security.

Brokering and tracing were among the issues that received the least amount of technical or financial assistance between 2001 and 2005. These issues were mainly addressed through conferences and research. However, States frequently cooperated by exchanging information and collaborating in investigations.

Note: The figures used in this box are drawn from Kerry Maze and Sarah Parker, *International Assistance For Implementing the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: Findings of a Global Survey* (Geneva: United Nations Institute for Disarmament Research, 2006, www.unidir.org).

Resource implications matrix

National Commitments / Resource implications		Legislation	Systems & Procedures	Equipment/ Infrastructure/ Technology	Training	National coordination	Multilateral information exchange	Financing
BROKERING	**Regulate brokering**							
	• Register brokers	✓	✓	✓		✓	✓	✓
	• Licensing for transactions	✓	✓	✓	✓	✓	✓	✓
	• Penalties for illicit brokering	✓	✓				✓	✓
	• *Record-keeping**	✓	✓	✓	✓	✓	✓	✓
	Regulate related activities							
	• Financing of activities	✓	✓		✓	✓	✓	✓
	• *Transport, insurance etc.**	✓	✓		✓	✓	✓	✓
	End-use certification*							
	• *Preventing forgery**		✓	✓	✓	✓	✓	✓
	• *Authentication**		✓	✓	✓	✓	✓	✓
STOCKPILE MANAGEMENT	Appropriate locations		✓			✓	✓	✓
	Physical security		✓	✓	✓		✓	✓
	Control of access		✓	✓	✓		✓	✓
	Inventory management		✓	✓	✓	✓	✓	✓
	Control of SALW held by operational units		✓	✓	✓	✓	✓	✓
	Sanctions for theft or loss	✓					✓	✓
SURPLUS DISPOSAL	Regular review of stocks		✓		✓	✓	✓	✓
	Identify surplus		✓		✓	✓	✓	✓
	Establish disposal programmes		✓			✓	✓	✓
	Implement disposal programmes		✓	✓	✓	✓	✓	✓
	Safeguard stocks for disposal		✓	✓	✓	✓	✓	✓
TRACING	*Marking**	✓	✓	✓	✓		✓	✓
	*Record-keeping**	✓	✓	✓	✓	✓	✓	✓
	*Cooperation in tracing**	✓	✓	✓	✓	✓	✓	✓

* The commitments in italics in the brokering section are derived from the recommendations of the Group of Governmental Experts on brokering rather than the Programme of Action. All of the commitments in the tracing section are derived from the international tracing instrument. The remainder of the commitments derive from the Programme of Action.

Notes on use

The resource implications matrix recaps the resource implications identified in the discussion paper on illicit brokering, stockpile management/surplus destruction, and the international tracing instrument. Accordingly, the matrix is illustrative rather than exhaustive. Since there are cost implications associated with the implementation of all Programme of Action and international tracing instrument commitments, as well as the brokering recommendations, the final column, "Financing", has been checked for all commitments.

Legend

Legislation: requiring adoption or development of national laws or regulations (legal instruments)

Systems & Procedures: requiring establishment of an administrative procedure or system

Equipment/Infrastructure/Technology: requiring acquisition of equipment, infrastructure or technology

Training: requiring training of personnel

National coordination: requiring exchange of information and coordination between government departments within the state

Multilateral information exchange: requiring the exchange of information between states; includes the establishment of points of contact and the exchange of information on good and best practices

Financing: implying financial costs to the implementing government (potentially the case for all listed commitments).